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CHAPTER 10

WAIVERS AND EXCEPTIONS

1000 GENERAL

a. Submit requests for waivers or exceptions when all avenues for compliance have been exhausted. Approval of waivers and exceptions does not relieve commanding officers of the responsibility to maintain security through the use of approved compensatory security measures.

b. Existing facilities may deviate 10 percent from measurable standards.

c. Deficiencies that will be corrected within 60 days do not require a waiver or exception; however, compensatory measures must be taken during the interim.

d. Waivers and exceptions will be considered individually. Blanket waivers and exceptions are not authorized.

e. Copies of approved waivers or exceptions that apply to commercial carrier transportation minimum security standards (chapter 7), together with compensatory measures taken, will be forwarded to the Commander, Headquarters Military Traffic Management Command (Attn: MT-IN), 5611 Columbia Pike, Falls Church, VA 22041-5050 by CNO (N09N) and CMC, as appropriate.

f. Waivers and 36-month exceptions are self-cancelling at their allocated times, unless an extension or renewal is approved by CNO (N09N1) or CMC (POS-10), as appropriate. Cancellations do not require approval.

1001 WAIVERS AND EXCEPTIONS

a. Navy

(1) Waivers. Forward requests for waivers (12 months or less) to specific AA&E security requirements via chain of command to Echelon 2 commands for approval (except for classified AA&E). Requests must completely describe the difficulty with a specific requirement, and the intended compensating measures. Fleet CINCs may delegate their authority to type commands, but no further.

(a) Waiver requests for classified AA&E will be submitted via chain of command and NAVORDCEN (N72) to CNO (N09N2).

(b) For AA&E Risk Category I items, ships will request waivers and exceptions via chain of command and NAVORDCEN (N72) to CNO (N09N1), with a copy to NAVSURFWARCENDIV (Code 3046).

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(c) Extension of waivers must be requested via chain of command and NAVORDCEN (N72), and approved by CNO (N09N1).

(d) FLTCINCs will, for budgetary planning purposes, provide NAVORDCEN (N72) and NAVSURFWARCENDIV (Code 3046) copies of approved waivers.

(2) Exceptions. Forward requests for permanent or long-term (36 months or longer) exceptions to specific requirements via chain of command and NAVORDCEN (N72) to CNO (N09N), with a copy to NAVSURFWARCENDIV (Code 3046). Requests must completely describe the difficulty with a specific requirement, and the compensatory measures employed.

b. Marine Corps

(1) Waivers. CMC (POS-10) is the approval authority for waiver requests originated from Marine Corps activities and units, including Marine Corps reserve components. Requests for waivers of AA&E security requirements will be originated by the commanding officer of the activity in the format prescribed in this chapter. Commanding officers will ensure that compensatory measures have been implemented and that they are described within the waiver request. All waiver and waiver extension requests will be accompanied by a copy of the most recent physical security survey and endorsed by the installation provost marshal. Waivers normally may be granted for a period of 1 year and may be extended only after a review of the circumstances necessitating the extension. Each extension will state first extension, second extension, etc.

(2) Exceptions. An exception is appropriate when a specific security requirement cannot be met in the near-term (usually within 12 months). The format and approval process for an exception request will be as prescribed for waivers. Requests for exceptions will contain an analysis of the problem and a detailed description of equivalent security measures in effect.

c. Any request for extension will specify action taken by the activity to correct the deficiency (e.g., budget exhibit, purchase order, work request, or similar documents).

1002 IDENTIFICATION NUMBERS. Each waiver, exception, or waiver extension must be identified with a number as follows:

a. The first six digits, beginning with "N" for Navy or "M" for Marine Corps, represent the Unit Identification Code (UIC) of the activity initiating the request;

b. The next digit is either "W" for waiver or "E" for exception;

c. The next two digits are the serial number of the request. Beginning anew with each calendar year, waivers and exceptions

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will be numbered together in sequential order (e.g., W01, E02, W03, etc.).

d. The last two digits identify the calendar year of the request;

e. Example: N01234-W01-94

N = Navy activity (M = Marine Corps Activity)

01234 = UIC

W = Waiver (or use "E" for exception)

01 = 1st waiver request of calendar year

94 = 1994 (year initial waiver was requested)

f. Original waiver or exception numbers will always be used when requesting an extension, and requests must be initiated 60 days prior to expiration.

1003 WAIVER REQUEST FORMAT. All information required below must be provided in waiver and waiver extension requests. Requests will be in letter format. Non-applicable elements shall be noted "N/A." Copies of all correspondence dealing with waivers and exceptions will be sent to NAVSURFWARCENDIV Crane (Code 3046).

a. Line 1 - Waiver number (see preceding section).

b. Line 2 - State the requirement which cannot be met, referencing chapter, section, and paragraph of this instruction.

c. Line 3 - Describe the specific conditions causing a need for the waiver, and reasons why the standard cannot be met.

d. Line 4 - Describe the AA&E materials affected by the waiver request. Example: "AA&E Categories I and II."

e. Line 5 - Describe the physical location of the affected facilities or area. Identify structures by building number and use.

f. Line 6 - Identify interim compensatory measures in effect or planned.

g. Line 7 - Describe the impact on the command's mission, and any problems which will interfere with safety or operating requirements, if the waiver is not approved.

h. Line 8 - Identify resources, including estimated cost, needed to eliminate the waiver.

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i. Line 9 - Identify actions initiated or planned to eliminate the waiver, and estimate the time needed to complete the actions. Give a project number.

j. Line 10 - Provide point of contact including name, rank/grade, DSN, and commercial phone number.

1004 EXCEPTION REQUEST FORMAT. The information required below must be provided in exception requests (permanent and long-term). Requests will be in letter format. Non-applicable elements shall be noted "N/A." Copies of all correspondence will be sent to NAVSURFWARCENDIV Crane (Code 3046).

a. Line 1 - Exception number (see above).

b. Line 2 - State the requirement which cannot be met, referencing chapter, section, and paragraph of this instruction.

c. Line 3 - Describe the specific conditions causing the need for an exception and the reasons why the standard cannot be met.

d. Line 4 - Describe the AA&E affected by the request.
Example: "AA&E Categories I and II."

e. Line 5 - Describe the physical location of the affected facilities or area. Identify structures by building number and by use.

f. Line 6 - Identify, in detail, equivalent security measures being applied.

g. Line 7 - Describe the impact on the command's mission, and any problems which will interfere with safety or operating requirements, if the exception is not approved.

h. Line 8 - Provide point of contact including name, rank/grade, DSN, and commercial phone numbers.

1005 REVIEW OF WAIVERS AND EXCEPTIONS. Activities will review waivers and exceptions for continuing need, as well as for compliance with this instruction, at least annually and during command inspections.